

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DANIEL NEWBERG

vs.

PENNSYLVANIA DEPARTMENT OF
CORRECTIONS, *et al.*

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No. 22-cv-304-JMY

ORDER

AND NOW, this 28th day of October 2022, upon consideration of the motion to dismiss the Amended Complaint for failure to state a claim or in the alternative motion for summary judgment filed by Stephen Wiener, M.D., and Wellpath, Inc. (Wellpath Defendants' MTD, ECF No. 9), the motion to dismiss Plaintiff's Amended Complaint filed by MHM Correctional Services, LLC, and Yueheng Han, M.D. (MHM Defendants' MTD, ECF No. 21.), and the motion to dismiss for lack of jurisdiction & motion to dismiss the Amended Complaint for failure to state a claim filed by Defendants, Pennsylvania Department of Correction, Jamie Sorber, Christine Stickney, and Jennifer Fernandez (DOC Defendants' MTD, ECF No. 27.), all papers filed in support of these three Motions and in opposition thereto, it is hereby ORDERED that said Motions will be GRANTED in part and DENIED in part as follows:

1. The Wellpath Defendants' MTD is GRANTED by agreement as it pertains to Stephen Wiener, M.D., and Dr. Wiener is DISMISSED from this lawsuit – said Motion is DENIED in all other regards;
2. The MHM Defendants' MTD is GRANTED by agreement in relationship to the Fourteenth Amendment claims set forth in the Amended Complaint and Fourteenth Amendment claims against MHM Defendants are dismissed from the Amended Complaint – said Motion is DENIED in all other regards; and

3. The DOC Defendants' MTD is GRANTED by agreement as it pertains to Jamie Sorber and the medical malpractice claim brought against the Pennsylvania Department of Corrections – Jamie Sorber and the medical malpractice claim against the Pennsylvania Department of Corrections are DISMISSED from this lawsuit – said Motion is DENIED in all other regards.

IT IS SO ORDERED.

BY THE COURT:

/s/ John Milton Younge
Judge John Milton Younge